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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,941	08/10/1998	HIDEHIRO ISHII	B-3513-61666	8509

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/131,941	Applicant(s) ISHII ET AL.	
	Examiner Aristotelis M. Psitos	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 and 44-69 is/are rejected.
- 7) ☒ Claim(s) 4-15 and 44-69 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/06 has been entered.

Specification

The disclosure is objected to because of the following informalities: there is no clear support for the phrase "partial recording information objects". The examiner interprets such as phrase as discussed during the prosecution, vob(s)

Appropriate correction is required.

Response to Arguments

Applicant's arguments as discussed during the interview and as presented in the communication of 5/12/06 have been fully considered but they are not persuasive. APPROPRIATE amendment(s) is/are required in compliance with 37 CFR 1.75 (d) (1).

The question with respect to the identification of the "partial" recording information objects has not been obviated. There is no support in the specification as originally filed that the object fields (vob#) are – partial ---. That is the examiner interprets these object fields to be complete in of themselves, and hence cannot be --- partial --- recording information objects as argued by applicants.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 4-15, 52-61, 68, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Heo et al or Mishina either further considered with Moriyama et al (6104684).

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The following analysis is made:

Claim 4

Mishina

A reproduction apparatus for reproducing information from an information storage medium, wherein the information storage medium comprises:

see title/abstract

a recording information area; and

either video/audio information areas

an aggregate attribute information area,

see discussion with respect to vtsi, vtsi_mat

wherein the recording information area comprises:

starting at col. 17, line 18 to col. 18 line 25

a partial recording information area where one or more

VOB fields, include audio infor - see

partial recording information objects are recorded,

above

each of the partial recording information objects

including one or more unit audio information objects

which are logically defined; and

a control data area where control data including

control data is that data the permits

partial recording information attribute information is recorded,

appropriate attributes of the audio

the control data corresponding to each of the partial recording

information to be appropriately

information objects, and controlling the one or more unit

decoded

audio information objects included in the corresponding partial

recording information objects in a predetermined order, the

partial recording information attribute information indicating attributes

of one or more unit audio information objects

and wherein one or more unit audio information attribute information

see secondary reference

pieces are collectively recorded in the aggregate attribute information area,

& rejection below

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the one or more unit audio information attribute information pieces corresponding to each of the unit audio information objects and indicating attributes of the corresponding unit audio information objects respectively, and wherein the aggregate attribute information area is formed at a position on the information storage medium such that the one or more unit audio information attribute information pieces can be detected prior to the one or more partial recording information objects and the control data,

and the reproduction apparatus comprises:

a reading unit , which reads information
from the information storage medium;

reproducing head

a storage unit , which stores the aggregate attribute
information read by the reading unit;

buffer portion of element 54

an input unit, which receives, from a user,
a reproduction instruction designating the unit audio
information objects to be reproduced successively; and

input unit 4

a reproduction unit, which sets the attribute for
the reproduction based on the aggregate attribute
information stored in the storage unit and reproduces
the unit audio information objects designated by the user
in accordance with the attribute set,

see audio decoder 43

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wherein said reproduction unit comprises,
an obtaining unit, which obtains the attributes
corresponding to each of the unit audio
information objects designated by the user
from the aggregate attribute information stored
in the storage unit;

see discussion of element 43

a determining unit, which determines whether
or not the obtained attributes of the unit audio
information objects to be successively
reproduced are identical; and

see discussion of element 43

an attribute change unit, which starts an
attribute setting of the unit
audio information object to be reproduced
next immediately after the reproduction of
the unit audio information object currently reproduced, if
the determining unit determines that the attributes are different.

see discussion of element 43

Mishina discloses a dvd/audio reproducing system wherein a plurality of vob segments are
found, and as interpreted by the examiner these correspond to the partial recording information area(s).
Furthermore, each vob has an appropriate control data attribute table (vts_v_atr) as well as the
associated audio information with its particular attributes.

The system permits appropriate control/decoding of the audio information as designated by the
attribute – see the further discussion with respect to the audio decoder element 43.

There is no clear depiction of having one or more of the unit audio information attribute
information pieces collectively recorded in the aggregate attribute recording area.

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The secondary reference to Moriyama et al teaches in this environment the ability of having an area for finding the attribute information for all of the recorded information pieces.

It would have been obvious to modify the base system of Mishina with the above teaching from Moriyama et al, motivation is to permit a faster response time by having control data centrally located in the record medium.

Heo et al can also be relied upon in place of Mishina, as it also has all the elements, and it too lacks the above noted placement of 'one or more' unit audio information attribute information pieces as claimed.

With respect to claims 5,7,11, 14 the search unit/ability is inherently provided for in either of the above systems, as are the method limitations thereof.

With respect to claims 6,9, 12 and 15 as far as the examiner can determine/ascertain from the above primary references, the record medium is read, hence a reading unit exists, the information read is stored, hence a storage unit exists, input from a user for reproduction is provided for, hence an input unit exists, because attributes for the audio information is changed/capable of changing between audio modes, not only must there be a reproducing unit, but an obtaining unit, a determining unit, and an attribute changing unit present in either of the primary references.

By necessity, the time limitation as recited must inherently be present, i.e., there must be sufficient time to provide for the system to reflect the change in the attribute information so as to properly reproduce the audio information.

As part of the overall system controller's responsibility, appropriate decoding of the selected audio tracks containing the audio information is present. When the information is changed, the controller inherently instructs the appropriate servo unit to move the reproducing unit to the next audio track/pack/segment/section/location in the sequence of information to be reproduced as instructed by the user through the input. Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment are checked in order for the audio information to be properly decoded, and inherently if such attributes are not the same appropriate modification/changing occurs.

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With respect to claim 7, this claim recites all the limitations of claim 4 plus a table producing unit – since the table is so identified in Mishina, no further analysis is made.

With respect to the above claims, Mishina the atr data is so located, and with respect to Heo et al, see the discussion with respect to the audio data attributes & tables thereof starting at col. 14, line 6.

With respect to method claims 10 – analogous to the operation of apparatus claim 4, and method claim 13, analogous to the operation of apparatus claim 7, these limitations are met when the above combined system operates.

With respect to claim 52, it only calls for a detecting and reproducing unit in addition to the particular medium format as recited in lines 1-20 of claim 4. Such elements are found in either of the primary references. Method claim 60 falls accordingly.

With respect to claim 68, the first, second generating devices are interpreted as the video and audio subunits/sections in either of the primary references. With respect to the recording device, although the primary references are drawn to reproducing units/devices, the ability of having the same components used for recording is considered an obvious capability in view of the Moriyama et al teaching of a record medium a recording and reproducing capability, i.e., since the system in either of the primary references reproduces already recorded data, the ability of using the same components for recording the data is merely an obvious when further considered with Moriyama et al. Such modification is considered obvious because this permits the user to have a writeable system as to merely a reading system.

With respect to dependent claims 53, 61 such is interpreted as present in either of the primary references, i.e., the atr information is so located.

With respect to claims 54,55, these are inherently present in either of the primary references; see the discussion with respect to the audio decoding capability in either system.

With respect to claims 56-59, since playback time, start address, end addresses are depicted/described as part and parcel of either the video or audio information such are present. With respect to the additional corresponding unit audio information attribute information piece, the examiner interprets that as the audio component.

Response to Arguments

Applicant's arguments filed 5/12/06 have been fully considered but they are not persuasive.

Applicants focus upon:

- a) The newly inserted claimed terminology as not being found/taught in the reference to Moriyama et al, and
- b) The Mishina reference fails to disclose his attribute (vts_v_atr) as indicating each attribute of each VOB.
- c) The filing date of the Moriyama et al reference and its common assignment at the time the invention was made, precludes the use of the Moriyama et al reference.

With respect to the date question – applicants' attention is drawn to MPEP § 706.02 (I) (1).

Note in particular that the amendment to 103 (c)(1) does not affect any application filed prior to 11/29/99 and issued as a patent prior to 12/10/04 as well as MPEP §706.02 (f) (1), note flowcharts for 102 (e) dates

As amended the control data area has the attribute information, and as claimed, there are one or more audio information objects – not VOB (the v indicative of video, but AOB). As depicted in figure 4, this area 11 has the attribute information 12 which then controls ONE OR MORE unit audio information objects.

As discussed in Moriyama et al, - see his figure 5, the control data area 11, has a plurality of attribute information segments 12a, each one indicative of one of the VTS – see the discussion with respect to this starting in col. 11 line 12 and continuing to line 33, note in particular the discussion that the attribute information 12a for all vts are included aggregately in the control data 11.

With respect to the Mishina reference, the examiner fails to understand the presented argument, since the control of each of the information objects is found in the secondary reference to Moriyama et al, and not in Mishina.

2. Claims 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Mishina or Heo et al further considered with Moriyama et al.

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Claims 44-51 are drawn to a product, and as such, the record medium is so produced when the above systems operate to record – i.e., as further taught by Moriyama et al, a record medium, recording and reproducing system. The ability of having the one or more unit audio information attribute information pieces is obvious for the reasons stated above in paragraph 2.

With respect to claim 45, the atr information is so located.

With respect to claims 46, 47, the identified attribute information is found in either of the primary references.

With respect to claims 48,49,50 and 51, the # of the audio object, the start and end address of such, the playback time, and the corresponding audio piece are so found.

Response to Arguments

Applicant's arguments filed 9/26/05 have been fully considered but they are not persuasive. See above argument(s).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Aristotelis M Psitos
Primary Examiner
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A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a final flourish.

AMP